

## **Remarks/Arguments**

This Response is considered fully responsive to the Office Action mailed January 22, 2008. Claims 1- 24 are pending in the application. Claims 1-4, 7, 9-12, 15, 17-20 and 23 stand rejected. Claims 5, 6, 8, 13, 14, 16, 21, 22 and 24 stand objected to but have been deemed allowable if rewritten in independent form to incorporate the limitations of the base claim and any intervening claims. No claims have been amended, added, or cancelled. Reexamination and reconsideration are respectfully requested.

## **Withdrawal of Allowability of Claims 2, 3, 11, 12, 18, and 19**

The previously indicated allowability of claims 2, 3, 11, 12, 18 and 19 has been withdrawn in view of the newly discovered reference U.S. Patent No. 5,808,995 to Nakamura, et al. (hereinafter “Nakamura”).

## **Rejections Under 35 U.S.C. § 102**

Claims 1-4, 7, 9-12, 15, 17-20 and 23 stand rejected under 35 U.S.C. § 102(e) as being purportedly anticipated by Nakamura. All rejections are respectfully traversed.

Independent claim 1 recites, *inter alia*, writing data from a first stream of data within determined bounds of a first logical zone of the plurality of logical zones, wherein the bounds of the first logical zone are determined by an amount of time for rotating through the first logical zone based on a rotational speed of the storage medium and a size of the first logical zone. Independent claims 9 and 17 recite similar features.

At page 3 of the Office Action, the Office asserts that Nakamura discloses the aforementioned feature of the independent claims, and cites Nakamura at col. 3, lines 49-56 in support of this contention. Applicants, however, respectfully disagree.

Nakamura fails to disclose or suggest writing data from a first stream of data within determined bounds of a first logical zone of the plurality of logical zones, as recited in independent claims 1, 9, and 17. Further, Nakamura fails to disclose or suggest that the bounds of the first logical zone are determined by an amount of time for rotating through the first logical zone based on a rotational speed of the storage medium and a size of the first logical zone, as recited in independent claims 1, 9, and 17. Instead, Nakamura at col. 3, lines 38-56 merely

teaches that “the disk is divided into 18 sectors at equal angles” (Nakamura at lines 46-47), that “the optical disk rotates at the same speed” (Nakamura at line 51), and that because the physical length of the sector is longer at the outer side of the disk, “the information is recorded more coarsely in the outer circumference than in the inner circumference on the optical disk” (Nakamura at lines 54-56). Nakamura fails to disclose any method determining the bounds of the logical zones.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As Nakamura fails to expressly or inherently describe each and every element of independent claims 1, 9, and 17, Applicants respectfully submit that Nakamura fails to anticipate independent claims 1, 9, and 17, and those claims depending directly or indirectly therefrom. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4, 7, 9-12, 15, 17-20, and 23.

### **Allowable Subject Matter**

Claims 5, 6, 8, 13, 14, 16, 21, 22 and 24 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the arguments and amendments made herein, the Applicant believes that claims 5, 6, 8, 13, 14, 16, 21, 22 and 24 are allowable in their current form. Thus, Applicant respectfully request that claims 5, 6, 8, 13, 14, 16, 21, 22 and 24 be allowed.

### **Conclusion**

Applicant have fully responded to each and every objection and rejection in the Office action dated January 22, 2008 and believe that claims 1-24 are in a condition for allowance. Therefore, Applicant respectfully request that a timely Notice of Allowance be issued in this case.

Applicant believes no other fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 50-3199 as necessary.

If the Office believes any issues could be resolved via a telephone interview, the Office is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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